

ARE HARD TIMES THE MOTHER OF INVENTION?
Enlightening European Responses to Fast and Slow Burning Crises



Round-Table 3 / WORK PACKAGE 1

EUROPEAN GOVERNANCE & THE TWIN NECESSITIES OF

The LEGITIMACY OF THE EUROPEAN UNION'S MODES OF GOVERNANCE AFTER THE CRISIS:
IMPERATIVES, PROCESSES & RESULTS

RESEARCH NOTE

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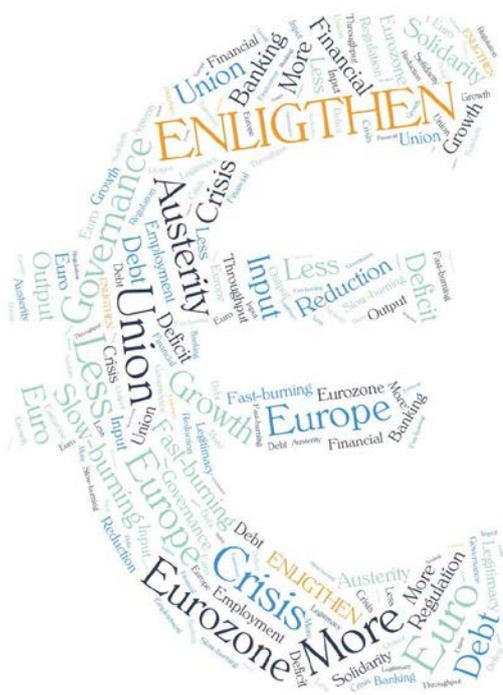


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WP1 main question is: How have ideas (re)shaped the EU's architecture and policies during the fast and slow-burning phases of the Eurozone crisis?

Transversal questions to be discussed include:

- (1) *Have the core ideas underpinning the European project been affected by the fast/slow phases of the Eurozone crisis and what are the implications for the political union and the European economic and social models?*
- (2) *How have European institutional actors engaged and interacted in the transformation of EU Modes of Governance during the fast-burning phase of the €-zone crisis (2010 to 2012); and how have those actors sought to readjust the transformed EU Modes of Governance in an effort to settle them into the EU's overall governance architecture during the subsequent slow-burning crisis (since 2012)?*
- (3) *What are the "routes" through which ideas travel from one institution to another? Whose ideas travel during the fast and slow-burning phases of the Eurozone crisis from one institution to another and how/by what means?*
- (4) *Who has the power to impose new ideas? Who is able to block the emergence of alternatives?*

Of **particular concern** are four empirical case studies reflecting various degrees of innovation / ideational change:

- European Semester, new processes of stealth reinterpretation of rules established during the fast-burning phase of the crisis
- Investment Plan, an instrument rooted in publically professed new ideas launched during the slow-burning phase
- Quantitative Easing, a break in policy orthodoxy which became a reality during the during the slow-burning phase
- Program countries, new dynamics of implicit as well as explicit forms of conditionality launched in response to the fast-burning phase of the crisis

PART I - RESEARCH SUMMARY

Summary of the Underlying Research

At the onset of the Eurozone crisis, EU institutional actors have faced three imperatives: necessity, efficacy and legitimacy (Delors 2013: 169). Notwithstanding the political will of European political actors to save the Euro and accordingly to prevent disintegration, it was unclear how to respond appropriately both in terms of process and in terms of solutions (see Herman Van Rompuy 2014). Very soon it became clear that "no level of this multi-level system has the policy instrument to solve the crisis" (Regan 2013). Decisions taken during the fast burning phase of the Eurozone crisis between 2010 and 2012 had a profound impact on the ways in which the Euro would be governed subsequently. Moreover, although the decisive action taken by the ECB when the Eurozone crisis peaked in 2012 (Dinan 2014: 109) saved the Euro, and thereby ended the fast-burning phase of the crisis, it did not solve the underlying problems of the Eurozone. Instead, it inaugurated the slow-burning phase of the crisis, and a settling in period in which EU institutional actors would continue to seek solutions to continuing problems with the effectiveness of Eurozone policies, the efficacy of Eurozone governance processes, and the political spillovers at EU and national levels.

The major decisions taken in the midst of the fast-burning crisis would prove to have far-reaching consequences for the EU's governance architecture. Remarkably, most of these decisions not only changed Eurozone policies, they at the same time altered prevailing EU modes of governance (Fabbrini S. 2013; 2015; Puetter 2012). Such changes affected, for example, the ways in which member-states reached intergovernmental and international agreements both within and outside of the existing treaties (De Witte 2012; Fabbrini F. 2015); the kinds of institutional power and autonomy accorded to different EU



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institutional actors in Eurozone governance processes; and the types of budgetary rules and fiscal surveillance to which member-states would be submitted while governing their own economies. The crisis-related decisions have essentially forced the EU to adjust to the modes of governance transformed by those decisions and/or the processes by which the decisions were taken (Dehousse & Thompson 2012).

In the fast and slow-burning phases of the crisis, EU institutional actors have had to contend with issues of legitimacy—which has been sorely tested in light of mounting public dissatisfaction. The EU’s legitimacy has long been in question, as reflected in the fact that the “democratic deficit” has been a recurring topic of political and academic debates surrounding the European project since its inception. But the crisis has exacerbated the problems of legitimacy and intensified the legitimacy debate, giving rise to concerns regarding the ability of the EU to elaborate “good” policies that resonate with citizens’ values (i.e. output legitimacy) in ways that are responsive to European citizens’ differential needs and expectations (i.e. input legitimacy) and *accountable* to the community and stakeholders (i.e. throughput legitimacy). From the political actors’ point of view, the fast-burning crisis had created a ‘legitimacy trap,’ by generating increasingly dissonant political dynamics at various levels of the EU’s multi-level governance structure and between different EU institutional actors. From the point of view of citizens, the decisions adopted at the EU level ignored the rules of democracy by failing to respond to their needs and/or demands. From the market’s point of view, the speed of the process and its politically constrained outcomes produced policies that have time and again failed in terms of efficiency and/or performance. All of this has negatively affected the EU’s status as a catalyst for political convergence, democratic consolidation and economic growth. Accordingly, the debates surrounding the EU’s legitimacy in the throes of the Eurozone crisis have moved from the more procedural concerns regarding the “democratic deficit” to a near ontological question regarding the purpose of European integration as such. The EU’s very *raison d’être* is at issue (De Burca 2013) along with the crisis-driven transformation of its Modes of Governance in a context of increasingly multi-level politics.

How does the transformation of EU modes of governance relate to fast- and slow-burning crises?

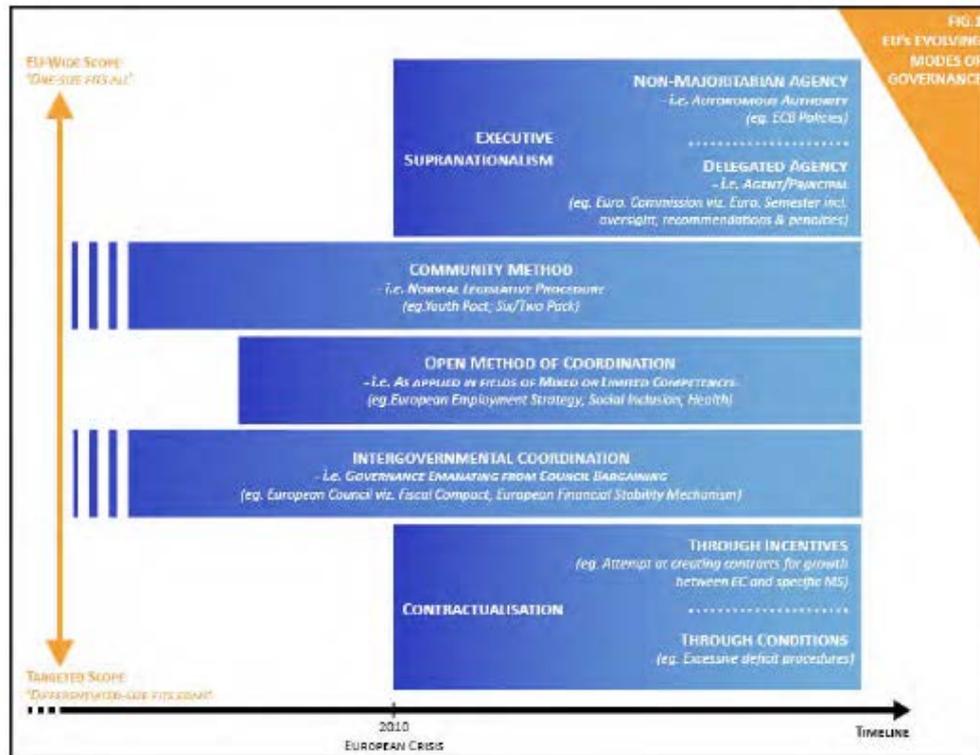
The decisions taken and the governance means deployed in response to the fast-burning crisis have altered/weakened/rendered useless long-standing modes of governance along with in some cases the actors who have traditionally shaped the integration process. Such changes have affected the community method (co-decision of Council and European Parliament upon legislation drafted by Commission), the intergovernmental method (decision of Council), supranational decision-making (decision of Commission, ECB, ECJ, or other non-majoritarian body), and the open method of coordination (voluntary agreements and goal-setting among member-states, social partners and/or civil society in social policy arena).

Therefore, since the Eurozone crisis has altered the “old” European modes of governance – (see figure 1) the aim of WP1 is to examine the transformation of the EU’s modes of governance over time by taking seriously the constraints and opportunities contained in the evolving institutional context in which the actors are embedded.

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Fig. 1. The EU's Evolving Modes of Governance



At the same time that some of the decisions and decision-making processes favored during the most pressing phase of the crisis have eroded the EU's fragile legitimacy, they have also served to reshape and replace, existing modes of governance (e.g., increasing the intergovernmental method to the detriment of the community method) and to produce new means and instruments of governance (e.g., the new non-majoritarian loan bailout facilities like the European Financial Stability Facility—EFSF—and the European Stability Mechanism—ESM). The crisis has transformed the role and the attributions of institutions and this may have implications for the emerging modes and means of governance (Rodrigues Maria-Joao & Xiarchogiannopoulou 2014).

Table 1: New means of governance and policy instruments

Intergovernmental agreements/treaties	EU secondary law Community method	International agreements (outside the treaties)
Treaty on Stability, Coordination and Governance (TCSG) (the fiscal part is referred to as "Fiscal Compact"; signed in March 2012 and entered into force in January 2013)	Six Pack (December 2011): 5 regulations and one directive Two Pack (May 2013)	EFSF (2010) EFSM (2010) ESM (signed on 2 nd of February and entered into force in September 2012; it replaces EFSF and EFSM).

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The Single Resolution Mechanism (April 2014)		
The Single Resolution Fund (December 2014)		

Overall, the transformation of Eurozone governance through fast and slow-burning crises has significant interactive effects on other EU priorities, such as those identified in the ‘Europe 2020’ agenda, and on the evolution of crises in specific policy sectors, such as banking, public services, and youth unemployment. These can be seen as the knock-on effects of Eurozone policies, e.g., when the Europe 2020 agenda is largely side-lined by the fiscal consolidation policies of the EU; and of Eurozone governance processes, e.g., when the ‘Open Method of Coordination’ devised to implement Europe 2020 objectives is also side-lined. The interactive effects can alternatively be seen as interlocking crises, as when austerity policies exacerbate youth unemployment and weaken public services; or when the banking crisis helps precipitate the Eurozone’s fast-burning crisis, which in turn may be attenuated by action taken under the transformed governance role of the ECB, which pushes ‘banking union’ to completion. As such the insights garnered by WP1 on the new means and transformed governance born from the ideational choices associated with the Eurozone Crisis will feed directly into the more policy-focused work accomplished with WP 2-4.

Summary of the Central Argument of the Research

How has the EU governance architecture been transformed as a result of the Eurozone crisis and how has this been legitimized in terms of what to do (which policies), who should do (which EU actors) and how (which process, what rules)?

Importantly, the ENLIGHTEN project suggests that an understanding of the *temporal dimension* is crucial to dealing with ‘hard times’ and for the legitimacy of the European project overall. Instead of focusing exclusively on how European modes of governance have dealt with the most prevalent and immediate crises of recent years, ENLIGHTEN distinguishes between Europe’s ‘fast-burning’ and ‘slow-burning’ phases of the crisis and sets out to compare the ways in which EU policy actors have attempted to deal with them.

A key difference is to be made between fast- or slow-burning phases of the Eurozone crisis, and therefore the importance of the “Time Factor” understood both as constraint and sequence.

1. We argue that the Eurozone crisis and the decision taken in this context have provided researchers with a unique opportunity to systematically explore the relationship between time and politics¹.

¹ The passage of time is the most basic way in which time has already been conceptualized in political science. However, the Eurozone crisis has revealed that time can be conceived in many different ways, as a constraint, as a resource and as a horizon. We argue that time as a constraint refers to the imperative of necessity. Time as a resource is about strategies of how to manage temporal constraints. Time as a horizon defines the “political time” in which the political system operates. By contrast, timing refers to the order in which things happen, how fast and for how long they happen (Goetz 2009: 5). In the context of the Eurozone crisis, EU institutional actors have learned how to turn time “from an inexorably limited, linear and perishable constraint into something that could be (...) accelerated, deadlines, circumvented (...)” (see Schmitter and Santiso 1998: 71).



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Time provides opportunities for some actors and creates constraints for others (Goetz and Meyer-Sahling 2009). Since the onset of the Eurozone crisis, opinion has been split on *how fast* to solve the economic, financial and monetary problems.

EU institutional actors have sought to influence temporal rules, that is the speed and the duration of the process through which decisions have to be adopted. In the **fast-burning phase**, while political actors have pushed for fast-track decisions at the EU level, Central bank representatives have lamented the slow tempo of political decisions arguing that the unwillingness of European politicians to make decisions has forced central banks to overstep their roles (26 July 2012). Conversely, constitutional judges have tried to slow down the process, criticizing politicians and experts for insulating policies from politics and for disregarding the rights of parliaments. While constitutional judges stated that it is legitimate to take time to deliberate (Berliner Zeitung 11 July 2011), political actors and representatives of central banks emphasized the need for rapid decisions in order to reassure financial markets. German constitutional judges ruled against fast-track approvals. They strongly opposed “speedocracy” (Berliner Zeitung 11 July 2011), that is, the ability to take decisions without taking the time to deliberate. For example, the panel of constitutional judges in Karlsruhe interfered in the process to extend the time of reflection on the ways to save the Euro. They have pointed out not only the fragile legitimacy of the process through which decisions have been taken but also the outcomes. In the interim, between 2010 and 2012, the markets continued their attacks on sovereign debt, having lost patience with the politicians’ tempo. In the **slow-burning phase**, when the existential threats from the sovereign debt crisis had ended for the main protagonists of the Eurozone crisis, observers have argued that EU institutional actors have done “too little, too late”, pointing out how slow, timid and incremental the EU institutional actors’ initiatives were. Others have argued that EU institutional actors have rather done “too much, too soon”. Temporal rules are, again, invoked as a resource and as a constraint.

We hypothesize that faced with a **fast-burning crisis**—in the period from 2010, when the risk of Greek default became a primary concern of the markets, to July 2012, when the Eurozone crisis peaked with the ECB statement that it would do ‘whatever it takes’ to save the euro—EU institutional actors closed ranks, closing off alternative ideas and closing out opposing actors, as they increased the complexity of the existing rules along with their restrictiveness. They did this in order to restore institutional and market confidence.

This involves an evolution which

- First, sees EU institutional actors involved in the decision-making process framing the issues at stake and struggling to identify solutions, using a more coercive rather than deliberative process, with a restricted coordinative discourse among policy actors and a limited communicative discourse to the people or the markets (see Schmidt 2008; 2015). In the absence of innovative ideas provided by technical actors, political actors doubled-down on the old ideas (the stability rules), looking for feasible legal solutions supported by pragmatic arguments.
- Second, sees EU institutional actors bolstering rather than amending the initial decisions in the face of on-going crisis, by reinforcing the rules and resisting going back to pre-crisis modes of governance.

2. The **slow-burning crisis**—after July 2012— is a period of settling in which comes “after the violence of



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the storm, but before the darkest clouds had cleared” (Council of the European Union, 2014, p. 5). This is a time when EU institutional actors refine the rules (Schmidt 2015), seeking to *ex-post* strengthen their legitimacy by simplifying them, increasing their flexibility, and integrating them within the existing architecture. This also involves an evolution which

- First, sees EU institutional actors involved in the decision-making process seeking to reframe the issues, opening up to a larger coordinative discourse among policy actors and epistemic communities and/or expert networks. This is when technical actors seek to come up with more innovative ideas for solutions and to legitimate those own ideas in order to persuade other technical and political actors in EU institutions to take these on board (Schmidt ‘think piece’; Seabrooke, L., & Tsingou).
- Second, sees EU institutional actors increasingly open to new ideas in response to legitimacy problems with the (output) performance of crisis policies, the (throughput) quality of crisis-driven governance processes, and the (input) volatility of national and EU politics in response to the policies and processes. However, even as the enlarged coordinative discourse enables the reinterpretation of the rules in response to legitimacy problems, the communicative discourse to the public does not admit it, making for the reinterpretation of the rules ‘by stealth’—and problems with (input) politics (see Schmidt ‘think piece’).

As many EU officials have recently declared, the rules adopted in the initial phase of the Eurozone’s fast-burning crisis are not fixed in stone. At the EU level, there is a shared consensus that the resulting rules governing the EMU are highly complex and fragmented as well as highly restrictive (in their initial interpretation). Complexity and rigidity were inevitable since at the inception of the crisis there was no trust in domestic commitments and in the ability of the EU to sanction the lack of compliance with previous rules. As emphasized by commissioner Moscovici, at that time “complexity was built for specific purposes”. Now, with time, during the slow-burning phase of the crisis, a settling of the rules calls for their simplification, increasing the flexibility of their interpretation, and a strengthening of their legitimacy in terms of input responsiveness, output performance and throughput quality (Schmidt 2015).

3. EU institutional actors often profess the added-value of openness and ownership in decision-making, assuming that this will ensure efficient implementation and citizen confidence. Coordinative discourses are central throughout the whole process with the role of EU institutions at the various stages of the policy cycle varying across existing Modes of Governance. Communicative discourses to the people and the markets, by framing the issues, justifying the policies and processes in terms of necessity and legitimating them in terms of normative values are also highly important to the process, but these have been highly fragmented. This is because the EU cannot speak in a single voice, with EU political actors also national leaders whose messages respond more to their national constituencies, and EU technical actors often unable or unwilling to articulate clear messages (Schmidt 2008; 2015).

Considering the aforementioned, WP1e hypothesizes that:

1. **the decisions taken in the fast-burning phase of the crisis (2010-2012; t_1) (re)shape EU’s policies and modes of governance; what happens in t_1 may have consequences on the outcome of interests in the slow-burning phase (2012 - ; t_2) of the Eurozone crisis.**
2. **Technical actors (such as the ECB or the Commission) are most likely to privilege coordinative discursive interactions with expert academic communities and networks, building internal agreements before communicating to the markets and the people. Political actors (such as the**



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Council and the European Parliament) privilege communication with national constituencies to build legitimacy.

3. EU institutional actors seek to strengthen the legitimizing mechanisms by generating a persuasive communicative discourse to the public and by opening up their coordinative discourse to other actors in search for ideas.

PART II – TRANSVERSAL RESEARCH QUESTIONS

As stated, WP1's central objective is to examine input, output and throughput mechanisms of legitimation in European institutions and the role of time, power and ideas in EU modes of governance in light of fast- and slow-burning crises. To this effect it has identified three overarching questions:

Transversal questions to be discussed include:

- (1) *Have the core ideas been affected by the fast/slow phases of the Eurozone crisis and what are the implications for the EU's political union, the European economic community, and the European social model?*
- (2) *How have European institutional actors engaged and interacted in the transformation of EU Modes of Governance during the fast-burning phase of the €-zone crisis (2010 to 2012); and how have those actors sought to readjust the transformed EU Modes of Governance in an effort to settle them into the EU's overall governance architecture during the subsequent slow-burning crisis (since 2012)?*
- (3) *What are the "routes" through which ideas travel from one institution to another? Whose ideas travel during the fast and slow-burning phases of the Eurozone crisis from one institution to another and how/by what means?*
- (4) *Who has the power to impose new ideas? Who is able to block the emergence of alternatives?*

Answering the above will also provide insights into questions related to more or less Europe:

- To what extent have the interactions between fast- and slow-burning crisis generated a "fast-forward Europeanization" (Ladi and Graziano 2014) or even the possible advent of a new form of "coercive Europeanization" (Laffan 2015)?

As well as broader methodological concerns related to EU studies:

- Is the Eurozone crisis a *rara avis* which invites us to conceptualize differently what happens in the "real world"?

PART III – RESEARCH DESIGN

Research Structure

WP1 encourages both theoretical and empirical papers. Theoretical papers are to conceptualize the process, the mechanisms of change and to map ideas transforming EU's modes of governance.

Contributors are invited to consider the analytical status of time, to systematically explore the link between time and politics and to identify the mechanisms born from the interactions between power and

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ideas as illustrated below.

<p>Power in ideas (ideas have power over the actors)</p> <p><i>Have the core ideas persisted or been challenged? How have they been affected by the fast/slow phases of the Eurozone crisis and what are the implications for the EU’s political union, the European economic community, and the European social model?</i></p>	<p>Fast-burning phase: power in ‘old’ ideas</p> <p>Slow-burning phase: a plethora of innovative ideas for solutions do not gain traction initially, or significantly challenge the old ideas</p>
<p>Power through ideas (actors with ideas interact with each other)</p> <p><i>How have European institutional actors engaged and interacted in the transformation of EU Modes of Governance during the fast-burning phase of the €-zone crisis (2010 to 2012); and how have those actors sought to readjust the transformed EU Modes of Governance in efforts to settle them into the EU’s overall governance architecture during the subsequent slow-burning crisis (since 2012)?</i></p> <p><i>What are the “routes” through which ideas travel from one institution to another? Whose ideas travel during the fast and slow-burning phases of the Eurozone crisis from one institution to another and how/by what means?</i></p>	<p>Fast-burning phase: power through “old” ideas, to create new instruments that reinforce those old ideas</p> <p>Slow-burning phase: communicative discourse of dissenters and populists begin to have an effect & coordinative discourse via networks that bring in innovative ideas and more flexible interpretations (see think piece p. 13)</p>
<p>Power over ideas (actors seek control over ideas)</p> <p><i>Who has the power to impose new ideas? Who is able to block the emergence of alternatives?</i></p>	<p>Fast-burning phase: power over ideas on how to respond to crisis by Germany and coalitional allies (using ‘old’ ideas) or by (pro-cyclical) economists to resist (counter-cyclical) alternatives—with consequences for the nature of policies & instruments</p> <p>Slow-burning phase: various degrees of innovation/ideational change</p>

Empirical cases

Four empirical case studies reflecting various degrees of innovation / ideational change:

- The **European Semester**, new processes of stealth reinterpretation developed during slow burning phase of crisis in response to rules established during the fast-burning phase of the crisis
- The **Investment Plan**, a new instrument rooted in publically professed new ideas launched during the slow-burning phase

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- **Quantitative Easing**, a break in policy orthodoxy which became a reality during the during the slow-burning phase
- **Program countries**, new dynamics of implicit as well as explicit forms of conditionality launched in response to the fast-burning phase of the crisis for countries under Troika supervision (Greece, Ireland, Portugal) or in danger of it (Spain, Italy).

Research Methods

Overall, the process of policy construction and legitimation of ideas takes place within institutions, between institutions and vis-à-vis markets and citizens. To deal empirically with said processes it is necessary to think of them in the more micro-foundational terms developed in sociology. This exercise is akin to the 'sense-making' of social agents whose 'bricolage' enables them to draw from the 'tool-kit' of their cultural repertoires in order to innovate (Carstensen 2011), and who construct specific narratives and broader ideas in order to understand what is happening in a situation of 'disruptive ambiguity' (Borrás and Seabrooke 2014).

Tracing how such sense-making and bricolage may serve to change ideas over time can be undertaken methodologically in a variety of ways. This can be done qualitatively through qualitative content analysis of texts, process tracing of actions and events, and fine-grained comparative historical analysis, and it can be done quantitatively through content and network analyses along with regression analyses (CANARA). Such methodologies can elucidate how ideas about what caused the crisis and what to do in response may have (or have not) changed incrementally over time, and thus the nature of their resilience (Schmidt and Thatcher 2015) or the patterns of change, e.g., via 'fractal distinctions' that go beyond seeing two persistent oppositions to the shifting positions on the two sides in an on-going debate (Seabrooke and Tsingou 2014).

Examining the process requires considering the actors involved and their activities. This is the first step towards building not only a political sociology of actors but also a theory of interactions in EU studies. By tracing the empirical events *between x and y* in slow and fast-burning phases, WP1 seeks not only to theorize *how* it happened but also to show how EU institutional actors defined the rules and changed them over time (see Schmidt, ECFIN Report). The "how" question leads us to seek to discover what kind of mechanisms can be identified in the fast and slow-burning phases of the Eurozone crisis. The existing literature provides us with a long list of (causal) mechanisms such as socialization, learning, persuasion, naming and shaming, appropriateness, etc. (Bennett 2013; Checkel 2013). However, we hypothesize here that socialization and learning are not compatible with fast-burning crisis. Socialization and learning take time. But time is what EU institutional actors didn't have at the onset of the crisis.

From a "process tracing" perspective, the stages of the process can be illustrated as follows

$X \rightarrow (n1) \rightarrow (n2) \rightarrow (n3) \rightarrow (nn) \rightarrow Y$

where

- Y is the outcome of interest



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- X is the independent variable.
- “n” represents the mechanisms which are composed of “entities engaged in activities” (Beach and Pedersen 2013). “Entities” represent EU institutional actors, experts, judges, political actors etc. “Activities” are “producers of change or what transmit causal forces through causal mechanisms” (Beach and Pedersen 2013).

From a “network analysis perspective” this implies both mapping the genealogy and evolution of ideas within a policy community, as well as identifying the members of the community, their relative weight within the policy network and the specific ideas they championed.

From a “content analysis perspective”, the focus will be on structured elite interviews combined with official and non-official texts analysis.

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